

EI - 18550



**Endangered Species Act Section 7 Consultation for the Michigan Air-Line
Railway Co.-Abandonment Exemption-Line in Oakland County, Michigan-STB
Docket No. AB 1053 (Sub No. 1X)**

Tameka_Dandridge to: Bob Alderson
Cc: david.navecky

04/28/2011 02:39 PM

History: This message has been replied to.

1 attachment



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Mr. Bob Alderson
Alderson, Alderson, Weiler, Conklin, Burghart & Crow, L.L.C.

Re: Endangered Species Act Section 7 Consultation for the Michigan Air-line
Railway Co. - Abandonment Exemption-Line in Oakland County, Michigan-STB
Docket No. AB 1053 (Sub No. 1X)

Dear Mr. Alderson:

We are responding to your April 20, 2011 letter requesting consultation under section 7 of the Endangered Species Act of 1973, as amended (Act). Under this U.S. Surface Transportation Board (USSTB) regulated project, Alderson, Alderson, Weiler, Conklin, Burghart & Crow, L.L.C., attorneys for the Michigan Air-Line Railway Company (MAL Railway), is serving as a non-federal representative for purposes of the Act.

The MAL Railway proposes to file with the USSTB, a Notice of Exemption to abandon approximately 2.99 miles of rail line from the west line of Haggerty Road (Milepost 45.26) to the west line of Ladd Road (Milepost 48.25). A railroad salvage contractor will remove and salvage the rail, ties, and other track materials (exclusive of ballast) on the abandoned line. According to your letter and our mid-April 2011 telephone conversation, the salvage contractor will access the railway line using only existing roads and streets that cross the railroad right-of-way. Proposed activities will occur in township 2N, range 8E, sections 25, 26, 34, and 35, Oakland County.

Your analyses addressed potential effects on the endangered Indiana bat (*Myotis*

sodalis), proposed as endangered rayed bean mussel (*Villosa fabalis*) and snuffbox mussel (*Epioblasma triquerta*), and candidate eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*). You have indicated the salvage operations will have no impact on these species due to lack of habitat along the railway line

Candidate species

The candidate eastern massasauga rattlesnake may occur near the proposed action area. Eastern massasauga habitat is typically associated with open shallow wetland systems. The rattlesnake prefers habitat with an open canopy and sedge or grass ground cover. The Act does not extend protection to candidate species but we encourage their consideration in resource planning. If early evaluation of your project indicates that it may impact a candidate, your agency may request technical assistance from this office. Avoidance of unnecessary impacts to candidate species will reduce the likelihood that they will require the protection of the Act in the future.

This precludes the need for further action on this project as required by the Act. If the project is modified or new information about the project becomes available that indicates listed species or critical habitat may be affected in a manner or to an extent not previously considered, you should reinitiate consultation with this office.

We appreciate the opportunity to cooperate with you in conserving endangered species. If you have any questions regarding these comments, please contact me at the below telephone number or email.

Sincerely,
Tameka N. Dandridge

Tameka Dandridge
U.S. Fish & Wildlife Service
East Lansing Field Office
2651 Coolidge Rd., Suite 101
East Lansing, MI 48823
517-351-8315
tameka_dandridge@fws.gov
cc: "Bob Alderson" <boba@aldersonlaw.com>

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To<Tameka_Dandridge@fws.gov>

cc

SubjMichigan Air-Line Railway Co.-Abandonment Exemption-Line
ectin Oakland County, Michigan-STB Docket No. AB 1053 (Sub
No. 1X)

Dear Ms. Dandridge:

Please see the attached letter regarding the above-referenced matter.

Bob Alderson

Alderson Law Firm

From: Barb Baker
Sent: Wednesday, April 20, 2011 11:55 AM
To: Bob Alderson
Subject: Tameka Dandridge Letter

<<Dandridge, Tameka Letter 4.20.2011.pdf>>

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